

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AGROS SHIPPING CO. LTD.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 4 :19-CV-1364
	§	
	§	
	§	IN ADMIRALTY
	§	
CEYLON PETROLEUM CORPORATION	§	
	§	
Defendant.	§	

**PLAINTIFF’S MOTION FOR AN ORDER AUTHORIZING
ISSUANCE OF COMPULSORY PROCESS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, AGROS SHIPPING CO. LTD. (hereinafter “Plaintiff”), by and through its undersigned counsel, and files this Motion for an Order Authorizing Issuance of Compulsory Process pursuant to the provisions of Rule B(3)(a) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions (hereinafter “Supplemental Rule B”), and respectfully shows the Court as follows:

PROCEDURAL BACKGROUND

On April 15, 2019, Plaintiff filed a Verified Complaint in the above captioned suit with a prayer for an Order authorizing the Issuance of Process of Maritime Attachment and Garnishment to issue against various garnishees. *See* Doc. 1. On April 18, 2019, the Court heard oral argument on Plaintiff’s Ex Parte Motion for an Order Directing Issuance

of Writ of Maritime Attachment and Garnishment against Defendant CEYLON PETROLEUM CORPORATION's (hereinafter "Defendant") garnishees British Petroleum (hereinafter "BP"), Vitol Inc., and Gulf Petrochem and GP Global WOS Ltd. *See* Doc. 4. The Court issued an Order authorizing the Clerk of Court to issue Writ of Attachment. *See* Doc. 12.

On April 18, 2019, the Clerk issued the Process of Maritime Attachment and Garnishment to Plaintiff and Plaintiff caused same together with a copy of the Verified Complaint to be served on BP, Vitol Inc., and Gulf Petrochem and GP Global WOS Ltd. Specifically, on April 23, 2019, BP was personally served through their registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, Texas 75201-3136 with Process of Maritime Attachment and Garnishment together with a set of garnishee interrogatories. *Attached hereto is a copy of Legal Process Served on BP, Exhibit 1.* Accordingly, BP was required to file its answer and responses to the interrogatories within 21 days following service, as required by Supplemental Rule B. The deadline for BP to serve its answer and the responses to interrogatories was May 14, 2019. BP failed to file both an answer and responses to the garnishee interrogatories.

On May 24, 2019, Plaintiff sent a letter via Federal Express to BP at its business address located at 501 Westlake Park Boulevard, Houston, TX 77079, requesting that BP contact counsel for Plaintiff to provide an answer to the garnishee interrogatories on or before May 31, 2019. In addition, Plaintiff advised BP that its answer and responses to interrogatories were overdue. *Attached hereto is a copy of Plaintiff's letter together with the Federal Express receipt and delivery confirmation, Exhibit 2.* Regrettably, BP has

failed to contact counsel for Plaintiff and/or served its garnishee answer or the responses to the interrogatories.

RELIEF REQUESTED

Compulsory process is warranted as BP has failed to respond to Plaintiff's garnishee interrogatories. Supplemental Rule B(3)(a) provides in relevant part:

If the garnishee refuses or neglects to answer on oath as to the debts, credits, or effects of the defendant in the garnishee's hands, or any interrogatories concerning such debts, credits, and effects that may be propounded by the plaintiff, the court may award compulsory process against the garnishee.

Fed. R. Civ. P. Supp. Rule B(3)(a). BP has expressly refused on two (2) separate occasions to comply with this Court's Order and the Writ of Attachment leaving Plaintiff with no other alternative but to request the issuance of an Order of Compulsory Process. This Honorable Court has authority to issue compulsory process against BP under Rule B(3)(a) and compel BP to answer the garnishee interrogatories. *See Agrocooperative Ltd. v. Sonangol Shipping Angl. (Luanda) Limitada*, No. H-14-1707, 2014 U.S. Dist. LEXIS 179874, at * 24-26 (S.D. Tex. Dec. 15, 2014) (granting in part Plaintiff's motion to compel defendant's garnishee to respond to interrogatories inquiring into "debts, credits, or effects" of the defendant). It follows that an Order Authorizing Issuance of Compulsory Process directing the garnishee BP to file its answer and responses to the garnishee interrogatories is appropriate and necessary as BP has failed to respond.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that an Order should be made directing the Clerk to issue a Writ of Compulsory Process to garnishee British Petroleum

requiring it to file under oath its answer and responses to interrogatories that have been served as required under Supplemental Rule B(3)(a).

Date: June 17, 2019
Houston, TX

Respectfully Submitted,

CHALOS & Co, P.C.

/s/ Briton P. Sparkman
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*Attorneys for Plaintiff
Agros Shipping Co. Ltd.*

CERTIFICATE OF CONFERENCE

I hereby certify that on this 17th day of June 2019, garnishee, British Petroleum, as not answered, moved, or otherwise appeared in this action.

/s/ Briton P. Sparkman
Briton P. Sparkman

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June 2019, a true and correct copy of Plaintiff's motion was served on all counsel of record via CM/ECF:

/s/ Briton P. Sparkman
Briton P. Sparkman

I hereby certify that on this 17th day of June 2019, a true and correct copy of Plaintiff's motion was served on the following via Federal Express:

British Petroleum
501 Westlake Park Boulevard
Houston, Texas 77079

/s/ Briton P. Sparkman
Briton P. Sparkman